

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Edward Otis Rutland,)	C/A No. 5:05-1978-CMC
)	Cr. No. 5:91-132
Petitioner,)	
)	
-versus-)	OPINION and ORDER
)	
United States of America,)	
)	
Respondent.)	
)	

Petitioner is a *pro se* federal inmate who seeks relief pursuant to 28 U.S.C. § 2255. Petitioner has filed numerous motions and petitions with this court since his conviction in 1991. In this latest filing, Petitioner seeks to have this court direct the Bureau of Prisons to provide him additional good time credit based on a ruling in the Southern District of Texas, *Moreland v. Federal Bureau of Prisons*, 363 F. Supp. 2d 882 (S.D. Tex. 2005).

This petition is successive in nature. Petitioner's failure to seek permission to file a second or successive petition in the appropriate court of appeals prior to the filing of the petition in the district court is fatal to the outcome of any action on the petition in this court. The Anti-Terrorism and Effective Death Penalty Act (AEDPA) of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (1996), placed specific restrictions on second or successive motions under 28 U.S.C. § 2255. Prior to filing a second or successive petition under § 2255, Petitioner must obtain certification by a panel of the Fourth Circuit Court of Appeals allowing him to file a second or successive petition. As provided in 28 U.S.C. § 2244, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order

authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). This he has not done.¹

IT IS THEREFORE ORDERED that this petition is dismissed as this court is without jurisdiction to consider it.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 26, 2005

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¹Even if this court were to consider the merits of the Petition, the holding of the *Moreland* case has been rejected by the Fourth Circuit Court of Appeals. *See Yi v. Federal Bureau of Prisons*, 412 F.3d 526 (4th Cir. 2005).